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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,106	04/12/2004	Paola Valentini	1663.009	4507

7590 09/08/2005

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 19th Floor
 805 Third Avenue
 New York, NY 10022

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/823,106

Applicant(s)

VALENTINI, PAOLA

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-65 is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 11 is/are rejected.
- 7) ☒ Claim(s) 2,7-10 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grand and Trattner (US 1,403,600) in view of Minassin (US 2003/0089128 A1).

Grand and Trattner discloses a jewelry bracelet or necklace comprises a loop (10) and jewelry stones (22). The loop is twisted longitudinally to provide a spiral appearance (Figs. 1 and 2). The loop has a nominal top, bottom and outer sides (Figs. 1-3 and 6). Grand and Trattner fails to disclose that the jewelry stones are mounted at the outer sides so that the jewelry stones twist around the loop along the longitudinal length of the jewelry bracelet or necklace. However, Minassin teaches a jewelry bracelet (10) or necklace comprising a loop (made by links 12) and jewelry stones (30a). The loop has a nominal top, bottom and outer sides (Figs. 1-5). The jewelry stones are mounted at the outer sides so that the jewelry stones twist around the loop along the longitudinal length of the jewelry bracelet or necklace (by means of system 12,20,30). The jewelry stones can be twist around the pivot 20 so that the color of the

stones can remind the user about an event or action to be taken (Paragraph 007).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have jewelry stones mounted at the outer sides so that the jewelry stones can be twist around the loop along the longitudinal length of the jewelry bracelet or necklace in accordance with the teachings of Minassin for the bracelet or necklace disclosed by Grand and Trattner so that the stones form a spiral pattern along the loop. Doing so, will serve to remind an user about an event or action to be taken.

Minassin teaches that:

- The jewelry stones comprise diamonds (Paragraph 0035).
- The jewelry stones comprise rubies (Paragraph 0035).
- The jewelry stones comprise a combination of different precious stones

(Paragraph 0035).

- The jewelry stones comprise at least one type of non-precious stones

(Paragraph 0005).

Grand and Trattner discloses that the jewelry bracelet or necklace further comprises structure (21) to mount jewelry stones (22) on the top side of the loop which top side twists longitudinally along the jewelry bracelet or necklace (Figs. 1-12).

3. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grand and Trattner (US 1,403,600) in view of Koven (US 2,258,413).

Grand and Trattner discloses a jewelry bracelet or necklace comprises a loop (10) and jewelry stones (22). The loop is twisted longitudinally to provide a spiral appearance (Figs. 1 and 2). The loop has a nominal top, bottom and outer sides (Figs.

1-3 and 6). Grand and Trattner fails to disclose that the jewelry stones are mounted at the outer sides so that the jewelry stones twist around the loop along the longitudinal length of the jewelry bracelet or necklace. However, Koven teaches a setting (1) that allows movement of a stone (4). The setting is comprised of a cage structure (2) that allows free movement of the stone (Page 1, column 1, lines 5-11). This mounting allows the entire stone to be seen (Page 1, column 1, lines 30-34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have jewelry stones mounted at the outer sides so that the jewelry stones can be twist in accordance with the teachings of the setting from Koven for the bracelet or necklace disclosed by Grand and Trattner so that the stones form a spiral pattern along the loop and the stones can twist around the loop along the longitudinal length of the jewelry bracelet or necklace. Doing so, allows the entire stone to be seen since the stone is not fixedly mounted.

Allowable Subject Matter

4. Claims 13-65 are allowed.
5. Claims 2, 7-10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 27 June 2005 have been fully considered but they are not persuasive.

7. The Applicant argues that Minassin fails to disclose that the stones are twisted so that the stones form a spiral. The Examiner fails to be persuaded by this argument.

The claim fails to provide any limitation regarding to the point, line or location with respect to which the stones are twisting to form a spiral. If one were to take upper surface of one of the ends of the bracelet described by Grand and Trattner as the point of reference for determining whether a spiral is made one will realize that the spiral is formed sideways of this point of reference and similarly the stones twist with reference to this point since the stones are not facing this upper surface of the point of reference when the bracelet is being worn.

8. Also, a movable setting as disclosed by Koven can be used in combination with the bracelet of Grand and Trattner to obtain the claimed limitation because such a movable setting will allow the stones to twist around the loop.

9. Additionally since the claims do not recite that the bracelet or necklace in its relaxed position has to be twisted, any bracelet having the flexibility necessary to form a spiral can be twisted while being used and will meet the claim limitations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koven (US 2,258,413) is cited to show state of the art with respect to movable settings that allow gemstones to twist. Gomez (US 6,220,010 B1) and Lord et al. (US 2003/0111005) are cited to show state of the art with respect to a bracelet or necklace having jewelry stones that can twist or move. Chia et al. (US 5,682,736) is cited to show state of the art with respect to jewelry pieces being twisted and provided with jewelry stones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

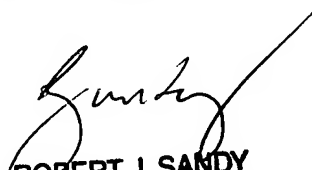
Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
September 6, 2005


ROBERT J. SANDY
PRIMARY EXAMINER



APPROVED
R&R
9/1/05

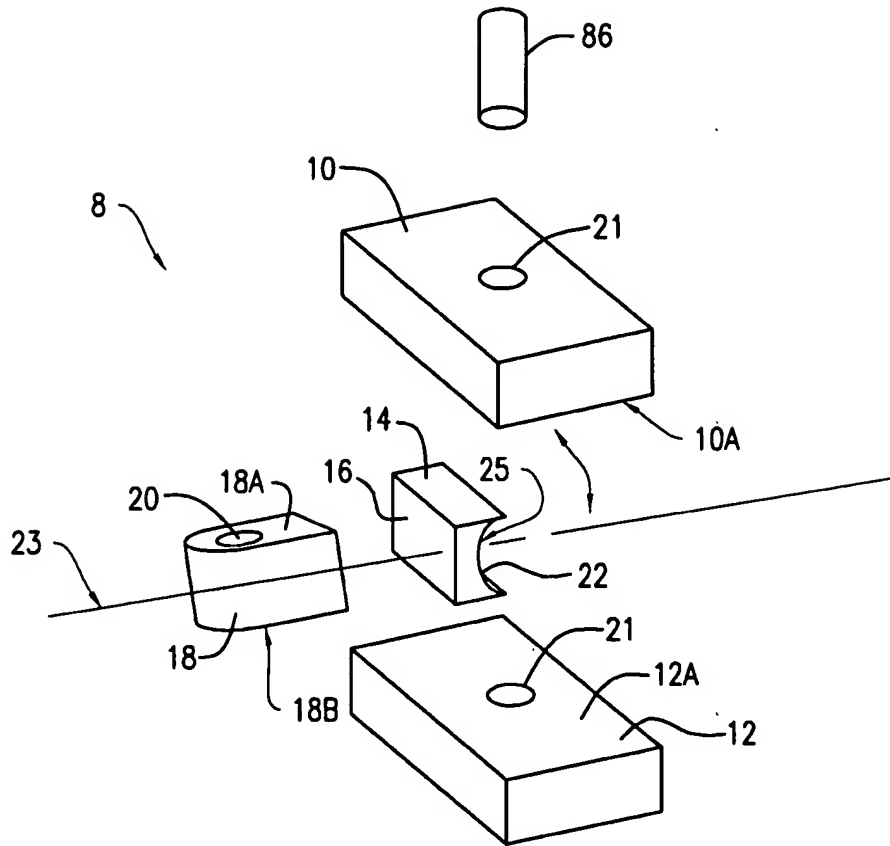


FIG. 1

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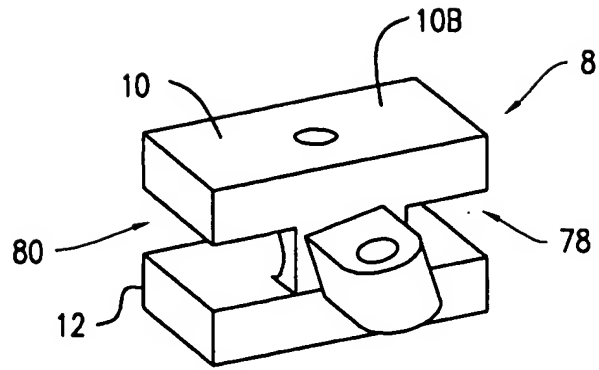


FIG. 2A

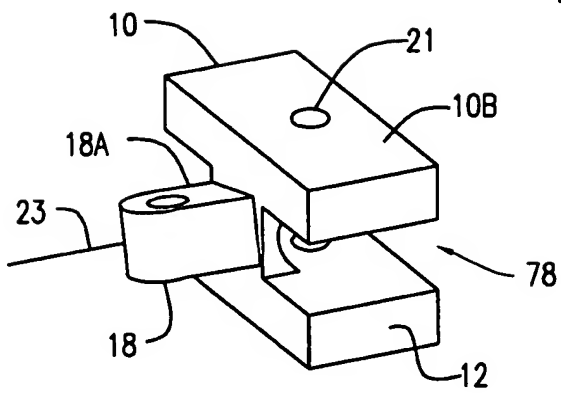


FIG. 2B

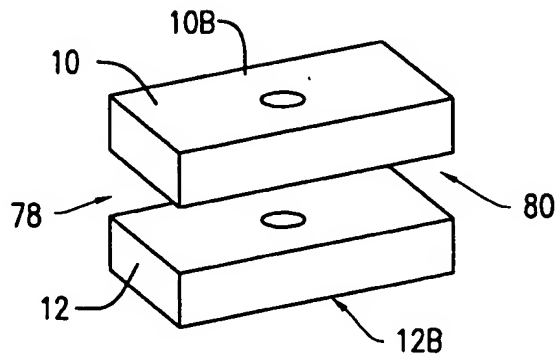


FIG. 2C

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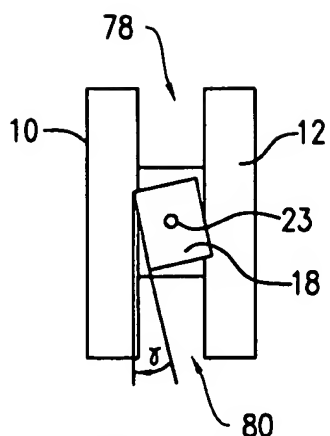


FIG. 2D

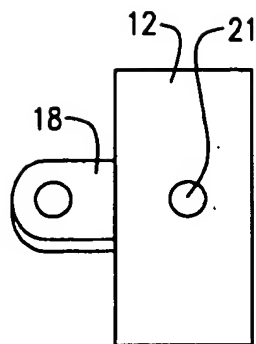


FIG. 2E

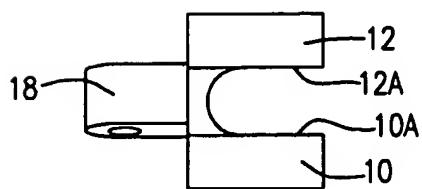


FIG. 2F

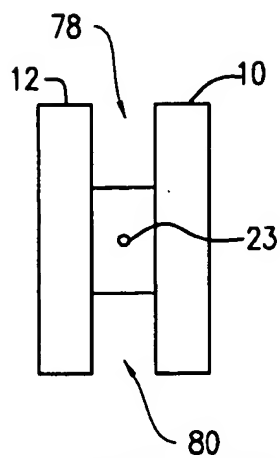


FIG. 2G

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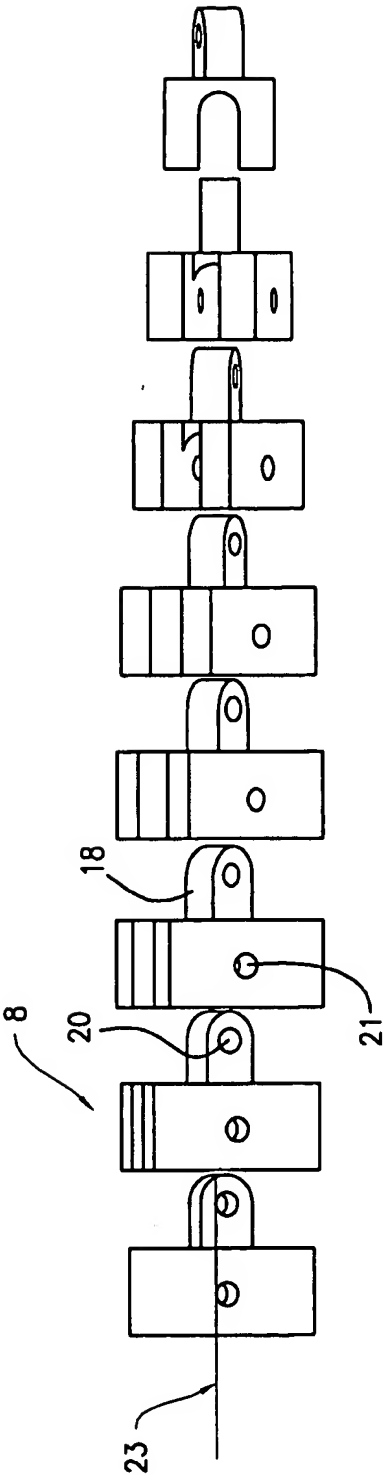


FIG. 3

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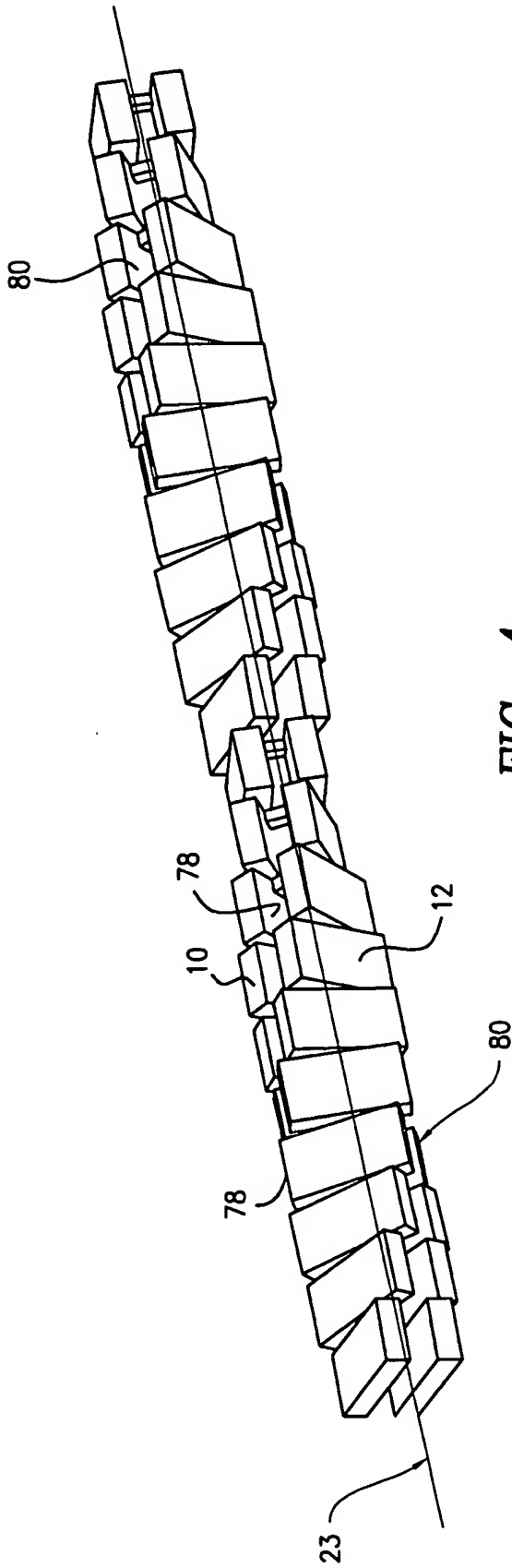


FIG. 4

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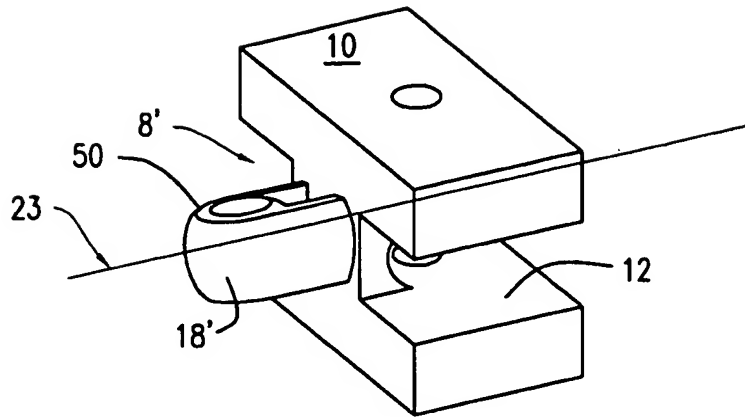


FIG. 5

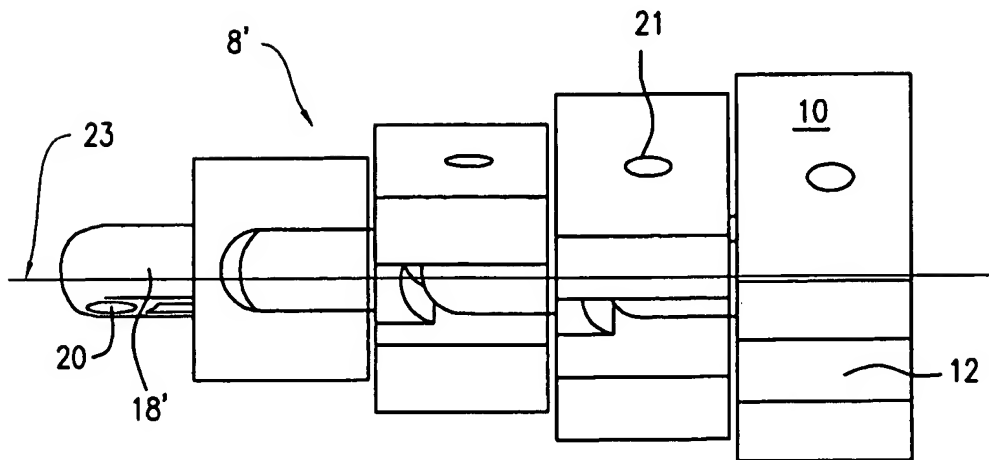


FIG. 6

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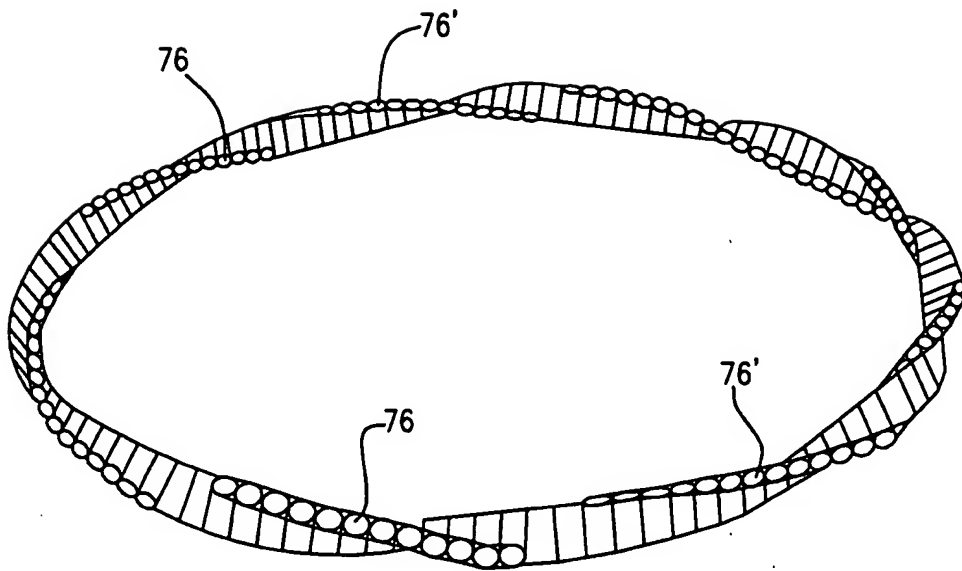


FIG. 7

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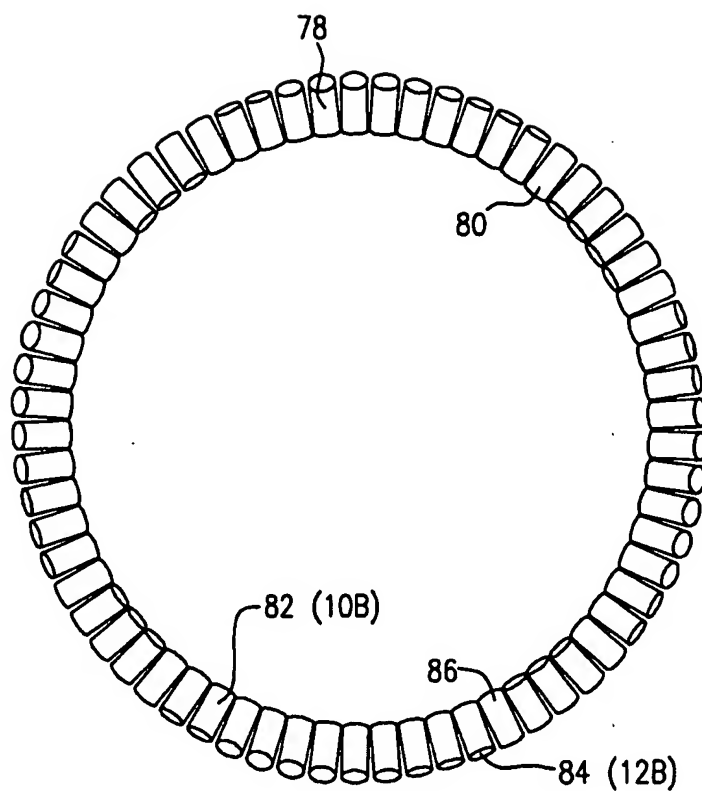


FIG. 8

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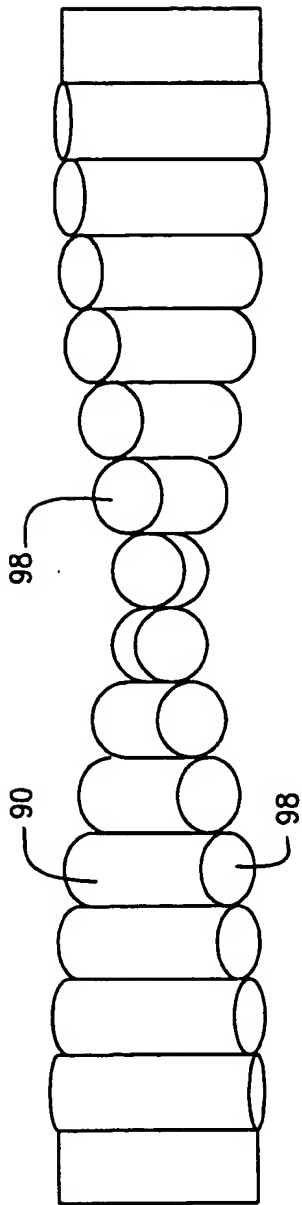


FIG. 9

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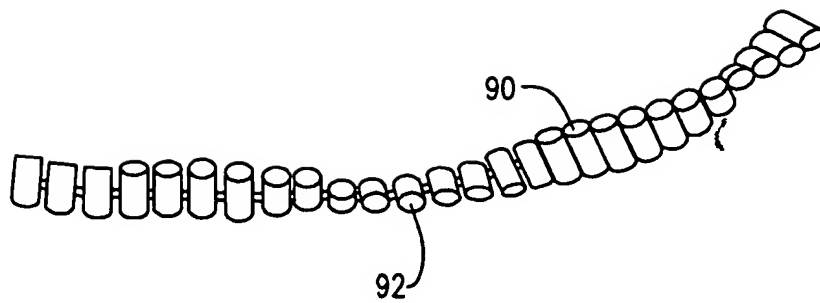


FIG. 10

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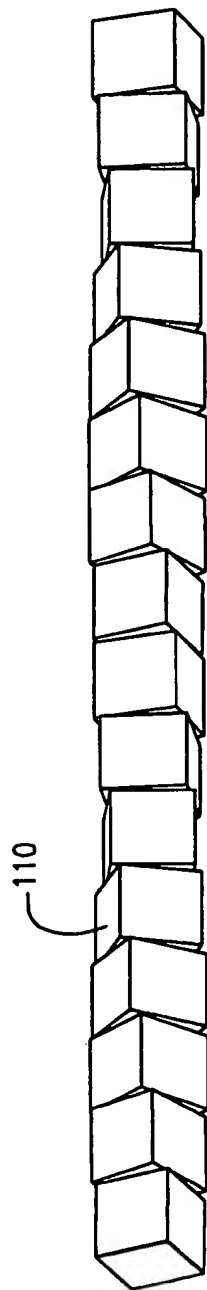


FIG. 11